

BARRY J. PORTMAN
Federal Public Defender
REBECCA SULLIVAN SILBERT
Assistant Federal Public Defender
555 - 12th Street
Suite 650
Oakland, CA 94607-3627
Telephone: (510) 637-3500
Counsel for Defendant ROLAN-MORAN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-06-00685 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS AND
vs.)	EXCLUDING TIME
)	
OSCAR ROLDAN-MORAN,)	Current Date: November 30, 2006
)	Requested Date: December 5, 2006
Defendant.)	
_____)	

Mr. Roldan-Moran is charged with one count of illegal reentry. The parties were scheduled to appear before this Court on Thursday, November 30, 2006 at 10:00 a.m. for change of plea. However, the parties have been unable to competently discuss a plea agreement because of unexpected and unusual uncertainties regarding Mr. Roldan-Moran's priors. Therefore, the parties stipulate and agree that this matter should be continued to the Court's regular calendar, at 9:00 a.m. on Tuesday, December 5, for status regarding change of plea. The parties further stipulate and agree that the ends of justice served by the continuance requested herein outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny the counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. This is so because the parties,

1 despite their diligence, have been unable to ascertain the facts about Mr. Roldan-Moran's history
2 that are necessary before they can proceed. In addition, both parties are continuing to investigate
3 the matter of the priors, and need time to continue that investigation. The parties therefore
4 stipulate and agree that time should be excluded pursuant to 18 U.S.C. §§ 3161(8)(A) and
5 (B)(iv).

6
7 /S/

8 Date: 11/30/06

Rebecca Sullivan Silbert
Assistant Federal Public Defender

10
11 /S/

12 Date: 11/30/06

Vineet Gauri, by Keslie Stewart
Assistant United States Attorney

13
14 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
15 "conformed" signature (/S/) within this e-filed document.

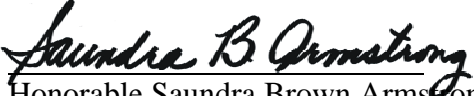
16 Based on the stipulation above, the Court hereby ORDERS that the November 30
17 appearance be continued to 9:00 a.m. on Tuesday, December 5, 2006 for status regarding change
18 of plea. Moreover, based on the reasons provided in the stipulation of the parties above, the
19 Court hereby FINDS that the ends of justice served by the continuance requested herein
20 outweigh the best interest of the public and the defendant in a speedy trial because the failure to
21 grant the continuance would deny the counsel for the defendant the reasonable time necessary
22 for effective preparation, taking into account the exercise of due diligence. The Court makes this
23 finding because the parties require additional time to investigate Mr. Roldan-Moran's priors
24 before they can enter a plea.

25 Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter
26 is continued to 9:00 a.m. on Tuesday, December 5, 2007 for status regarding change of plea, and

1 that time is excluded from November 30, 2006 to December 5, 2007, pursuant to 18 U.S.C.
2 §§3161(h)(8)(A) and (B)(iv).

3
4 IT IS SO ORDERED.

5
6 11/30/06
7 Date


8 Honorable Sandra Brown Armstrong
9 Judge, United States District Court
10 Northern District of California
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26